

Town of Dudley

Board of Selectmen
Highway Commissioners
Cemetery Commissioners

**September 10, 2018 @ 6:30pm
Dudley Municipal Complex
71 West Main Street, Dudley, MA
Room 321A
Approved 9/24/2018**

Some matters have been taken out of agenda order but were typed up in agenda order for ease of locating information when necessary.

1. Call to Order, Pledge of Allegiance

Steven Sullivan opened the meeting at 6:34pm. In attendance were Jonathan Ruda, Paul Joseph, Kerry Cyganiewicz and John Marsi. Also in attendance were Greg Balukonis, Town Administrator and Michelle Jervis, Administrative Secretary.

2. Approval of Minutes:

John Marsi motioned to approve the minutes of 8/27/2018 as printed. Kerry Cyganiewicz seconded. Unanimous 5-0.

3. Appointments:

Full Time Police Officer – Officer James Mastrogiovanni – Officer Mastrogiovanni came before the Board. He thanked the Board and the Police Chief for giving him the opportunity to serve. **John Marsi motioned to appoint Officer James Mastrogiovanni as a full time member of the Dudley Police Department effective 9/14/2018 with a one year probation period expiring 9/14/2019. Jonathan Ruda seconded. Unanimous 5-0.**

Historical Commission – **Jonathan Ruda motioned to reappoint Frederick “Butch” Meyer as a member of the Historical Commission. His term will expire June 30, 2021. Kerry Cyganiewicz seconded. Unanimous 5-0.**

4. Public Comments/Citizens Comments – Informational:

5. Town Administrator’s Report:

Mr. Balukonis stated that the Organization Assessment consultants will be meeting with him tomorrow morning. These consultants have a ninety (90) day project schedule and would like to meet with the Board of Selectmen and the Water/Sewer Commissioners. This project has been accelerated due to the retirement of Dan Gion, Highway Superintendent and John Meehan, Water/Sewer Superintendent. Regarding an Acting Superintendent for the highway department, Mr. Balukonis stated that there is an in-house candidate that will be meeting with him this week.

Mr. Balukonis stated that he is in the process of updating our Hazardous Mitigation Plan required by FEMA and MEMA. Updates are crucial and CMRPC is helping us along with the Fire, Highway, and Treasurer’s Office. They are required to get public comment and will be addressing that next month. The Water/Sewer Department is in the process of embarking on a study to satisfy DEP and reduce costs

to the town with an Inflow and Intake (I&I) Study. The costs associated with this study is up to \$230,000 which water/sewer revenues will fund it with a portion at town meeting and the year 2020.

6. **Around the Town – Focusing on Local Businesses:**

7. **Licenses/Permits:**

Nichols College – One Day Outdoor Entertainment License – Lynn Looby, Assistant to the President, came before the Board. After discussion **John Marsi motioned to approve the request from Nichols College for a One Day Outdoor Entertainment License for Thursday, September 27, 2018 from 6:00pm to 8:00pm located in the Copper Quad for a performance by an acoustic guitarist. Paul Joseph seconded. Unanimous 5-0.**

8. **Public Hearing:**

9. **Public Business:**

a. Nichols College – Parking Waiver on Center Road – After discussion **Paul Joseph motioned to approve a request from Nichols College to park on the west side of Center Road from 12:00pm to 5:00pm from the area of Healy Road to the area of the Olsen Residence Hall on Saturday, September 29, 2018 for the Annual Homecoming Football Game. John Marsi seconded. Unanimous 5-0.**

b. Approve the Sale of Surplus Rails – Mr. Balukonis stated that on 9/4/2018 we had a bid opening for the rails/spikes and plates of the railroad ties that were pulled up on the rail trail There were three (3) sealed bids. After discussion **Paul Joseph motioned to award the railroad steel bid to Railroad Resources and Recovery, Inc. in the amount of \$223.00/ton for the rails and \$233.50/ton for the spikes and cones. Unanimous 5-0.**

c. Proposed amending Article 6 § 1, Article 32 §§ 4 and 5 and proposed new article entitled Elected Officials – Jonathan Ruda stated that Mr. Balukonis has gone through these amended articles and will codify existing practices. He will be forwarding this to Town Counsel. He wants Town Counsel to look at elected offices regarding recall elections and Town Administrator's responsibilities; simply provide some clarification. Paul Joseph would like Town Counsel to review appointed Town Clerk as well as Treasurer/Collector. This issue will come back after receipt of Town Counsel's response.

d. MGL Chapter 41 Section 81-U – Mr. Balukonis stated that he requested an opinion from Town Counsel regarding MGL Chapter 41 Section 81U. A response stated that it does not appear the town ever accepted the last paragraph of the law so it might need to go to town meeting for approval. This law references giving the ability of the Planning Board to take action against a developer where there is bond money in escrow. Town Counsel outlined many steps that the Planning Board must follow so there is no action from the Selectmen at this time. There is \$16,633.82 held in escrow. After the steps are taken and the developer has not responded the Planning Board can direct Town Counsel to use those funds to complete the subdivision in order for it to be accepted at town meeting in the spring. Mr. Joseph questioned what would happen if the cost to repair the subdivision exceeds the amount in escrow? Also there are other privately owned subdivisions that need to be fixed and maintained. The Board cannot let this go on with residents, who pay taxes, living on torn, washed up and potholed streets. After discussion **Paul Joseph motioned that the Board of Selectmen send a friendly advisory to the Planning board asking them to consider and look into allegations that the Jesse Road developer violated wetland acts before they received approval for the subdivision. Jonathan Ruda seconded. Unanimous 5-0.**

After discussion **Paul Joseph motioned to table the issue of the Planning board and its procedures regarding returning of bonds until our next meeting. Jonathan Ruda seconded. Unanimous 5-0.**

- e. Halloween Spooktacular –tabled from 8/27/18 – Michelle Jervis, Administrative Secretary, informed the Board on the 1st Annual “Spooktacular” and, after discussing it with the Town Administrator, picked a date of Thursday, October 25, 2018 from 5:00 – 7:00. A volunteer committee met this past week and there were many suggestions. The parade will begin at the library and proceed up Brandon Road and Love Court over to the town hall. S’mores will be prepared at the fire pit and we are in the process of getting a puppet show for all the children. All agreed to hold the event at the date and time specified with no rain date.
- f. Fall Town Meeting Warrant – **Paul Joseph motioned to open the Fall Town Meeting Warrant per MGL Chapter 39 § 10 today, 9/10/2018; Close the Warrant on 10/5/2018 @ 1:00pm; Last day to post – 10/22/2018 and the date of the Fall Town Meeting will be 10/29/2018. John Marsi seconded. Unanimous 5-0**

10. Board Member Comments:

Mr. Joseph requested the Board to rescind their vote not to hire a water superintendent. He feels the Commissioners should do so and that the Board should not get involved. After reviewing the minutes of that meeting there was no vote, just an understanding that the Commissioners would wait to hire someone when the Organizational Assessment for Highway, Water and Sewer was completed. He also requested our State Rep, Peter Durant and Senator Ryan Fattman to answer his questions when they can to our meeting months ago. Steven Sullivan requested to contact their office.

11. Departmental Communication:

12. Adjournment:

Kerry Cyganiewicz motioned to adjourn from public meeting at 7:55pm and convene into Executive Session under MGL Chapter 30A § (a)(2) – To conduct strategy session in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel and not to reconvene into public session. Paul Joseph seconded.

Roll Call Vote:

Steven Sullivan, Aye

John Marsi, Aye

Kerry Cyganiewicz, Aye

Jonathan Ruda, Aye

Paul Joseph, Aye

Respectfully submitted,
Michelle Jervis, Administrative Secretary